

No. 64

3rd Session, 15th Legislature, Alberta
14 Elizabeth II

BILL 64

A Bill to Provide for Certain Exceptions to the
Lord's Day Act (Canada)

HON. MR. HOOKE

Explanatory Note

General. This Bill will authorize commercial sports on Sunday afternoons in municipalities where a majority of the electors vote in favour thereof.

2. Definitions.

3. The Lord's Day Act (Canada) makes various commercial activities unlawful on Sundays "except as provided in any provincial Act". Clause 3 of this Bill sets out an exception to the federal Act and the times and conditions under which it is effective.

BILL

No. 64 of 1966

An Act to Provide for Certain Exceptions to the
Lord's Day Act (Canada)

(Assented to _____, 1966)

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Alberta,
enacts as follows:

1. This Act may be cited as "*The Alberta Lord's Day Act*".

2. In this Act,

- (a) "council" means the council of a municipality or, in the case of a new town, the board of administrators thereof;
- (b) "elector" means
 - (i) with respect to a municipality other than a new town, a person entitled to vote for the election of members of the council of that municipality,
 - (ii) with respect to a new town, an elector within the meaning of *The New Towns Act*, and
 - (iii) with respect to an improvement district or special area, a person who is twenty-one years of age or over and has continuously resided in the improvement district or special area for the period of six months immediately prior to the holding of a vote therein under this Act;
- (c) "municipality" means a city, town, village, county, municipal district or new town.

3. On Sunday afternoons between the hours of half past one and six o'clock,

- (a) within a municipality where a by-law passed pursuant to section 5 is in force, or
- (b) within an improvement district or special area, or part thereof, where an order made pursuant to section 11 is in force,

any person may, subject to the provisions of the by-law or order,

- (c) provide, engage in or be present at any public game, contest or sport specified in the by-law or order at which a fee is charged and which, but for this Act, would be unlawful under section 6 of the *Lord's Day Act* (Canada), and

4. Certain classes of sporting events are not included in the exception.

5 Section 3 is made operative in a municipality by a by-law which may restrict the types of sporting events allowed.

6. A by-law requires the assent of a majority of the electors to become effective.

7. Petition for a by-law may be made.

8. Requirements for petition.

- (d) do or employ any other person to do any work, business or labour in connection with that public game, contest or sport specified in the by-law or order which, but for this Act, would be unlawful under section 4 of the *Lord's Day Act* (Canada).

4. A by-law under section 5 or an order under section 11 may not authorize the holding of or the providing of, engaging in or attending at horse races or horse race meetings, dog races, boxing contests or exhibitions of wrestling or other like contests or exhibitions on Sundays.

Municipalities

5. (1) Subject to section 6, the council of a municipality may, by by-law,

- (a) declare section 3 to be in force in the municipality, and
- (b) specify the public game, contest or sport to which section 3 applies.

(2) Subject to section 6, a by-law in accordance with subsection (1), or a by-law, to amend any such by-law, may be passed

- (a) on the initiative of the council, or
- (b) upon receipt of a petition in accordance with section 7.

6. A by-law under section 5 shall not be finally passed and has no effect until it is submitted to a vote of the electors of the municipality and unless it receives the assent of a majority of the electors voting thereon.

7. (1) A petition may be presented to the council of a municipality

- (a) requesting the council to pass a by-law declaring section 3 to be in force in the municipality, and
- (b) specifying the public game, contest or sport to which section 3 ought to apply.

(2) A petition may be presented to the council of a municipality

- (a) requesting the amendment of a by-law passed pursuant to section 5, and
- (b) specifying the public game, contest or sport to which section 3 ought to apply or ought no longer to apply.

8. (1) The petition shall be signed by

- (a) at least ten per cent of the electors of the municipality, or

9. Requirements for holding a vote.

10. Repeal of a by-law.

(b) two thousand electors of the municipality, whichever is the lesser, and may be presented to the council by filing it with the clerk or secretary-treasurer of the municipality.

(2) All signatures to a petition shall be affixed to the petition within the period of twelve months immediately preceding the day upon which the petition is filed.

9. (1) Where a petition is filed pursuant to section 8, the council of the municipality shall at its next meeting give first and second reading to the by-law requested in the petition and the proposed by-law shall then be submitted to a vote of the electors

(a) on the date fixed for the next ensuing annual municipal elections, if the petition is filed forty-five days or more before that date, or

(b) on the date fixed for the annual municipal election next following the date of the next ensuing annual municipal elections, if the petition is filed less than forty-five days before the date of the next ensuing annual municipal elections.

(2) At least twenty-one days before the day upon which the by-law is to be voted upon by the electors, the council shall cause to be published at least once in a newspaper having general circulation in the municipality a notice stating

(a) the purpose of the by-law,

(b) the public game, contest or sport to which it relates, and

(c) that it will be submitted to a vote of the electors on the date fixed for the next ensuing annual municipal elections.

(3) Where the by-law receives the assent of a majority of the electors of the municipality voting thereon, the council of the municipality shall at its next meeting give third reading to the by-law and pass it.

(4) Where the by-law does not receive the assent of a majority of the electors voting thereon, no further by-law under section 5 shall be submitted to a vote of the electors until at least three years after the holding of the previous vote.

10. (1) A petition may be presented to the council of a municipality requesting the repeal of a by-law passed pursuant to section 5.

(2) The council of a municipality may repeal a by-law passed pursuant to section 5 only after the expiration of at least three years from the date upon which that by-law came into force and only

(a) upon receipt of a request to repeal that by-law made by a petition complying with section 8, and

(b) upon the by-law to repeal the by-law passed pursuant to section 5

11. In improvement districts and special areas the Minister of Municipal Affairs may make orders authorizing Sunday sports.

12. A ministerial order may only be made on petition and is subject to the assent of a majority of the adult residents who vote.

- (i) being submitted to a vote of the electors of the municipality in accordance with section 9, and
- (ii) receiving the assent of a majority of the electors voting thereon.

(3) Where a by-law is repealed pursuant to subsection (2), no further by-law under section 5 may be passed by the council of the municipality until after the expiration of at least three years from the date on which the previous by-law was repealed.

Improvement Districts and Special Areas

11. (1) Subject to section 12, the Minister of Municipal Affairs may, by order,

- (a) declare section 3 to be in force in an improvement district or special area, or in any part thereof, and
- (b) specify the public game, contest or sport to which section 3 applies.

(2) Any provision of an order made under subsection (1) may differ in different parts of the improvement district or special area and with respect to different public games, contests or sports.

12. (1) No order may be made under section 11 with respect to an improvement district or special area unless the Minister of Municipal Affairs has received a petition

- (a) signed by
 - (i) at least ten per cent of the electors, or
 - (ii) two thousand electors,
 whichever is the lesser, of the improvement district or special area,
- (b) requesting him to make an order declaring section 3 to be in force in the improvement district or special area, or any part thereof, and
- (c) specifying the public game, contest or sport to which section 3 ought to apply.

(2) All signatures to the petition shall be affixed to the petition within the period of twelve months immediately preceding the day upon which the petition is delivered to the Minister.

(3) An order made under section 11 has no effect until it is submitted to a vote of the electors of the improvement district or special area and unless it receives the assent of a majority of the electors voting thereon.

(4) Where the order does not receive the assent of a majority of the electors voting thereon, no further order shall be submitted to a vote of the electors of the improvement district or special area, or part thereof, as the case may be, until at least three years after the holding of the previous vote.

13. Amendment or rescission of ministerial order.

14. Regulations providing for voting in improvement districts and special areas.

15. Commencement of Act.

13. (1) An order under section 11 may be amended or repealed, subject to the receipt of a petition so requesting and to the assent of the electors, and section 12 applies *mutatis mutandis* in respect thereof.

(2) An order under section 11 may be rescinded only after the expiration of at least three years from the date upon which the order came into force.

(3) Where an order is repealed pursuant to subsection (2), no further order under section 11 may be made with respect to the same improvement district or special area, or part thereof, as the case may be, until after the expiration of at least three years from the date on which the previous order was rescinded.

14. The Minister of Municipal Affairs may make regulations respecting the holding of a vote for the purposes of sections 12 and 13 and any matters incidental thereto.

15. This Act comes into force on the day upon which it is assented to.

No. 64

THIRD SESSION
FIFTEENTH LEGISLATURE
14 ELIZABETH II
1966

BILL

An Act to Provide for Certain
Exceptions to the Lord's Day Act
(Canada)

Received and read the

First time

Second time

Third time

HON. MR. HOOKE
